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SIPDIS

NSC FOR MGA VIN, LETIM
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SUBJECT: REFERENDUM EXPERT ADVISES NCRC

¶1. (SBU) Summary: Dr. Mads Qvortrup, an internationally recognized expert on referendum implementation, urged the co-chairs of the National Constitutional Review Commission (NCRC) to abide by internationally accepted referenda norms and provided relevant historical examples. Dr. Qvortrup warned that campaign finance would play a key role in deciding the legitimacy of the election. END SUMMARY.

¶2. (SBU) In a September 7 meeting arranged as part of the trilateral process, leading referendum expert Dr. Mads Qvortrup offered advice to Alor Kuol and Dr. Abdalla Idris, co-chairs of the NCRC. The co-chairs explained that they had found agreement on most issues regarding the referendum; nonetheless, several outstanding issues remained, including the composition of the referendum commission and who would appoint its members. Dr. Idris also raised questions about a supermajority, voter eligibility, and voter turnout requirements.

¶3. (SBU) Shortly after the meeting began, Dr. Idris volunteered a compromise solution to the question of commission appointments, suggesting that appointees should be selected by the President and approved by the Vice President. Mr. Kuol and Dr. Qvortrup were both amenable to the compromise. However, Dr. Qvortrup cautioned that regardless of how appointees were chosen, they must gain the confidence of the people by displaying complete impartiality.

International Standards for a Credible Referendum

¶4. (SBU) Dr. Qvortrup urged the commission to put in place a spending and disclosures plan before the campaign begins. Dr. Qvortrup warned that if the voters were not convinced the referendum was financed and conducted fairly, they might resort to violence. Dr. Idris shrugged off Qvortrup's suggestion, saying that it would be difficult enough to meet Comprehensive Peace Agreement deadlines without bringing up peripheral issues such as funding. Dr. Qvortrup countered that it was essential to look at practical matters first, because these were usually less contentious and easy to settle. Dr. Qvortrup pointed out that the central issue of who would be eligible to vote was unresolved, as was the question of who would run the polls.

¶5. (SBU) The co-chairs raised the question of whether there should be two ballot boxes at the polls (one for "yes" votes, one for "no" votes) instead of one. Dr. Qvortrup encouraged the use of a single ballot box for both "yes" and "no" votes, noting that the two-ballot-box approach was without recent precedent. He also favored allowing the diaspora to vote and cited the example of Eritrea's referendum, in which Eritreans in Ethiopia voted in the presence of UN observers.

¶6. (SBU) Dr. Qvortrup strongly opposed the National Congress

Party's proposed seventy-five percent supermajority. He said that supermajorities are rarely used, and when they are, they frequently lead to increased political tensions. Qvortrup cited the Saint Kitts and Nevis referendum in which a majority of Nevisians voted for separation but failed to reach the two-thirds majority required, resulting in increased resentment between the two sides. Qvortrup suggested that leveling the playing field would probably encourage unity. He added that a quorum requirement would be a better option than a requirement for supermajority, adding that voters could be given a third option, an "I-don,t-know" vote, to encourage turnout.

All Hope Is Not Lost for Unity

¶9. (SBU) Dr. Qvortrup stressed that in most cases seventy percent of voters make up their mind on referenda during and not before the campaign. He said that tracking polls tend to pick up support for separation at the beginning of referendum campaigns, with support for unity picking up towards the end. "If you run a good enough campaign for a united Sudan, you will win," Qvortrup said, adding that the strongest argument against separation is "uncertainty of the future."

¶10. (C) Comment: During the course of the meeting, Dr. Qvortrup pointed out several deficiencies in planning the referendum. The co-chairs admitted that financial issues have not been decided, and that the issue of who is eligible to vote remains in dispute. Throughout the meeting Qvortrup reiterated that even simple practical questions such as

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polling procedures and staffing can have important consequences. The NCRC co-chairs welcomed Dr. Qvortrup's recommendations but showed no indication that they were interested in reviewing fundamentals to the degree suggested. Some of the same issues were raised during subsequent trilateral talks in Juba, with at least one resolved, but there are still a number of central issues at play both within the NCRC and the trilateral mechanism. END COMMENT.

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